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FILED
DISTRICT COURT OF GUAM

JAN 19 2006

MARY L.M. MORAN
CLERK OF COURT

UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

UNITED STATES OF AMERICA,) Case No. CR 03-00050-002
Plaintiff,)
v.)
JOHN B. NINETE,)
Defendants.)

The Court has reviewed the Memorandum issued in this matter, by the United States Court of Appeals for the Ninth Circuit. Having reviewed the file the Court affirms that the sentence imposed would have been identical had the Court known that the sentencing guidelines were advisory.

IT IS SO ORDERED.

Dated: January 18, 2006


DEAN D. PREGERSON
United States District Judge